

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

In Re:  
Tharon Bradley  
Debtor.

Case No. 18-16173  
Honorable A. Benjamin Goldgar  
Chapter 13

**NOTICE OF MOTION**

To:  
Tharon Bradley  
4600 Blarney Dr  
Matteson IL 60443  
Via U.S. Mail  
Debtor.

Timothy P Mazur  
The Semrad Law Firm, Llc  
20 S. Clark Suite 2800  
Chicago IL 60603  
Via Court Electronic  
Notification

Marilyn O. Marshall  
224 S. Michigan Ave. Ste. 800  
Chicago, IL 60604  
Via Court Electronic Notification

**PLEASE TAKE NOTICE** that on the 12th day of February, 2019 at 9:30a.m., or as soon thereafter as counsel may be heard, I shall appear before the Honorable A. Benjamin Goldgar in Courtroom 642 in the United States Courthouse, 219 South Dearborn Street, Chicago, Illinois, or before any other Bankruptcy Judge who may be presiding in said Judge's place and stead, and shall then and there move the Court for the entry of an order in accordance with the attached motion at which time you may appear if you so desire.

/s/ James M. Philbrick

**CERTIFICATE OF SERVICE**

I, James M. Philbrick, an attorney, certify that I personally served the above and foregoing notice and motion on the above parties by Court Electronic Notification and by depositing the same in the U.S. Mail on the 5th day of February, 2019, before the hour of 5:00 p.m. from the U.S. Post Office, Mundelein, Illinois 60060.

/s/ James M. Philbrick

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**MOTION TO MODIFY STAY**

NOW COMES Ally Financial, by and through its attorney, JAMES M. PHILBRICK, of THE LAW OFFICES OF JAMES M. PHILBRICK, and as and for its Motion to Modify Stay, states as follows:

1. That Ally Financial is a creditor-claimant of the Debtor and brings this motion pursuant to 11 U.S.C. §362(d).
2. That on or about June 20, 2015, the Debtor executed an agreement for an interest in one 2012 CADILLAC ESCALADE, VIN 1GYS4DEF2CR181243.
3. That Ally Financial has a properly perfected interest in the collateral in accordance with the Illinois Motor Vehicle Act, and said lien was noted upon the Certificate of Title in connection with the aforesaid motor vehicle.
4. That on June 6, 2018, the Debtor filed a voluntary petition under Chapter 13 of Title 11 of the United States Code.
5. That the current payoff balance for the said vehicle is approximately \$32,412.46.
6. That the current retail value for the said vehicle is approximately \$28,075.00.
7. That the Debtor has no appreciable equity in the said vehicle.
8. That the Debtor is to be the disbursing agent for payments to Ally Financial. That the Debtor's installment payments is \$768.55 a month, and the debtor has defaulted in making installment payments for the months of July 2018 through January 2019, for a total default of \$6,914.35, which amount includes attorney fees and costs of \$681.00.
9. That the Debtor has not provided Ally Financial with proof of full coverage insurance on the said vehicle.

10. That the vehicle is not necessary for an effective reorganization.

11. That Ally Financial's collateral is a depreciating asset.

12. That Ally Financial lacks adequate protection in its collateral, and therefore should be allowed to immediately enforce and implement any Order Modifying the Automatic Stay that this Honorable Court may enter, notwithstanding Federal Bankruptcy Rule 4001(a)(3).

WHEREFORE, Ally Financial prays this Honorable Court for the entry of the attached order modifying the automatic stay of 11 U.S.C. §362 so as to allow Ally Financial to take possession of one 2012 CADILLAC ESCALADE, VIN 1GYS4DEF2CR181243, and to enforce its rights against the security in accordance with the agreement and/or applicable state laws; and to find that Federal Rule 4001(a)(3) of the Federal Rules of Bankruptcy Procedure is non-applicable and thus Ally Financial may immediately enforce and implement the attached Order Modifying the Automatic Stay; and for such other and further relief as the Court may deem just and proper.

Ally Financial

By: /s/ James M. Philbrick

One of its Attorneys

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